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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,623	09/17/2003	Kenneth W. Fletcher	2103.003	9228
21917	7590	04/26/2005	EXAMINER	
MCHALE & SLAVIN, P.A. 2855 PGA BLVD PALM BEACH GARDENS, FL 33410			LEV, BRUCE ALLEN	
		ART UNIT	PAPER NUMBER	
		3634		

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/666,623	FLETCHER, KENNETH W.
	<b>Examiner</b>	<b>Art Unit</b>
	Bruce A. Lev	3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 March 2005.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 4,5 and 9-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 4 and 9-12 is/are rejected.

7) Claim(s) 5 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 17 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

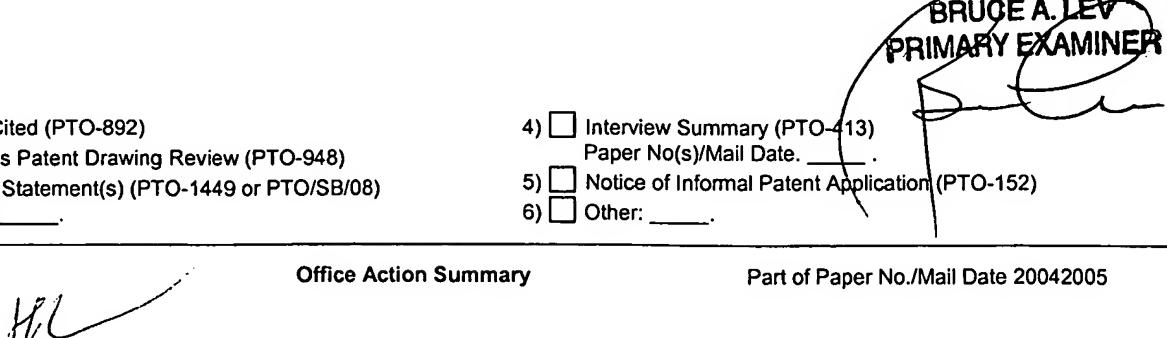
\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

BRUCE A. LEV  
PRIMARY EXAMINER



**DETAILED ACTION*****Claim Rejections - 35 USC § 112***

***Claims 10 and 12 are rejected*** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As concerns claim 10, the phrases "the substantially parallel first and second ends" (in lines 15-16),, "said metal hook" (in line 26); "said aperture header" (in line 30); and "said engagement pin" (in line 36) lack antecedent basis and therefore render the claims as vague and indefinite.

***Claim Rejections - 35 USC § 103***

***Claims 4, 9, and 11 are rejected*** under 35 U.S.C. 103(a) as being unpatentable over ***Wedekind 5,819,834 in view of Wells 6,776,210***.

***Wedekind sets forth*** a reinforcement device comprising an upper securing means including an upper anchoring assembly including a wire rope loop assembly including a bracket assembly, and a metal hook 22., a lower securing means including a lower anchoring assembly comprising a spring biased engagement pin 19 having a bracing tongue and groove (viewed as the bent portion), and an anchor plate 20 having a pin aperture. ***What Wedekind does not set forth*** is the loop member formed from wire rope. However, ***Wells teaches*** the use of wire rope members 48 used with a reinforcement device assembly. Therefore, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to modify the reinforcement device of Wedekind by forming the loop member from wire rope, as taught by Wells, in order to reduce the forces caused by the loop not fitting perfectly upon the hook member.

### ***Allowable Subject Matter***

***Claims 10 and 12 would be allowable*** if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Claim 5 is objected to*** as being dependent upon a rejected base claim, but ***would be allowable*** if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***As concerns claims 5 and 10,*** structural limitations pertaining to the ***bracket assembly*** including ***two L-shaped elements having legs adjustably attached to the other*** to allow vertical adjustment, along with the other structural limitations set forth is not taught nor suggested by the prior art of record.

### ***Response to Amendment***

The remarks filed March 17, 2005 have been considered but are not deemed to be persuasive.

As concerns remarks pertaining to the combination of Wedekind in view of Wells, the examiner reiterates the position that Wells teaches the use of wire rope members used with a reinforcement device assembly. Therefore, it would have

been obvious to modify the reinforcement device of Wedekind by forming the loop member from wire rope, as taught by Wells, in order to reduce the forces caused by the loop not fitting perfectly upon the hook member.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (571) 272-6831. The examiner can normally be reached on Mon-Fri., 5:30 AM - 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lanna Mai can be reached on (571) 272-6867.

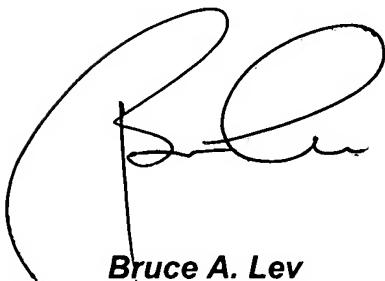
The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 20, 2005



A handwritten signature in black ink, appearing to read "BA Lev".

Bruce A. Lev

*Primary Examiner*

**Group 3600**